

# PATENT COOPERATION TREATY


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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference 21035WO		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/NL 03/00495	International filing date (day/month/year) 04.07.2003	Priority date (day/month/year) 09.07.2002	
International Patent Classification (IPC) or both national classification and IPC B32B27/34			
Applicant DSM IP ASSETS B.V. et al			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand  05.02.2004		Date of completion of this report  06.05.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer  Hindia, E  Telephone No. +49 89 2399-8492	



# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/NL 03/00495

## I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

### Description, Pages

1-4 as originally filed

### Claims, Numbers

1-6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-6
	No: Claims	
Inventive step (IS)	Yes: Claims	1-6
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-6
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Item V**

Reasoned statement under Article 35(2) PCT with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The following document from the International Search Report has been considered for the purposes of this report: D1 = EP-A-0000363;

2. **Novelty**

Closest prior art D1 relates to a method of manufacture of a polyamide and a laminate comprising the same. The process in claim 1 and the laminate in claim 4 differ therefrom in that the polyamide used is restricted to specific types of branched polyamides defined by formulas (1), (2) and (3) in claim 1, whereas, according to the argumentation in applicant's letter of reply dated 15.04.2004, the polyamide used in D1 is outside the scope of the said formulas in claim 1. Thus, the subject-matter of the present claims is considered to be novel and to meet the requirements of Article 33 (2) PCT.

3. **Inventive Step**

The problem addressed by the present application is to provide an improved process with which substrates can at a high speed be coated with at least a layer of polyamide, wherein a significantly more stable extrudate results, which means that it remains practically flat, even at high production speeds and even when several layers are applied to the substrate simultaneously, and wherein polyamide layers with a highly uniform external appearance are obtained without the irregularities caused by gels. The problem has been solved by the process in claim 1 and the laminate in claim 4, wherein a layer of a polyamide according to formulas (1)-(3) is applied to a substrate. There are no doubts that the indicated problem has been solved by the claimed laminate/process having regard to the disclosure of the international application. The solution offered to the problem posed above cannot be derived in an obvious manner from a reading of closest prior art document D1, since such a laminate and process employing the specified polyamide according to formulas (1)-(3) in the present claims is neither disclosed nor suggested by the prior art to solve the problem posed in the application. Therefore, the present claims involve an inventive step (Article 33 (3) PCT).

4. Present claims 1-6 comply with the requirements of Article 33(4) PCT (industrial

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applicability).